

ARTICLE APPEARED
ON PAGE A-23

NEW YORK TIMES
19 January 1984

BOSTON, Jan. 18 — The author of the Reagan Administration's massive censorship plan, Acting Assistant Attorney General Richard K. Willard, has a new idea to stop the dreaded peril of leaks. He has shown a draft law around Capitol Hill, and it is a dilly.

The legislation would punish disclosure of anything that a bureaucrat had stamped as classified — however trivial the information or harmless the leak — for the first time in American history. And it would create an ingenious new civil enforcement system.

Anyone who had ever been authorized to see classified information, now or in the past, would be subject to "administrative penalties" if he disclosed some to an unauthorized person. There would be a penalty of up to \$5,000 per leak — plus an unlimited amount for damages suffered by the Government, or all of any profits made in connection with the leak.

Thus if former Secretary of State Alexander Haig made one of his \$25,000 speeches and let slip a classified item, the Government might claim the \$25,000. Who knows how it might profit from books by Henry Kissinger.

The press is a major potential target of the legislation. The draft gives Federal officials subpoena power to investigate leaks: power to make anyone, in public or private life, answer questions and produce specified notes and documents. Reporters and editors who publish stories without official approval would surely be called in and asked where they got the stories. If they refused to answer, they could be sent to jail for contempt.

Suppose, for example, that a newspaper printed a story about cost overruns on a new missile or the flawed test performance of a new tank. That is the kind of story that has routinely come from Pentagon officials concerned by the failure of the official

ABROAD AT HOME

A Lead Balloon

By Anthony Lewis

system to catch expensive mistakes. But now the newspaper could be brought under heavy legal pressure to name the whistle-blower.

One of the most delightful aspects of the proposal is that "administrative" officers would carry it out rather than judges. They would decide whether a suspect had disclosed something to an unauthorized person, and whether the something was classified. They could do so in closed hearings, to which a lawyer for the suspect could gain entry only if he or she got a security clearance.

Administrative decisions would be subject to judicial review — but of a very limited kind. Judges would have to accept administrative findings of fact as "conclusive" unless they had no substantial support in the evidence.

Mr. Willard, in discussing all this with staff assistants to interested senators, made clear that the draft had not been officially cleared and was therefore not a formal Administration proposal. He treated it as so sensitive, in fact, that at the end of the discussion he took back the copies of the draft that he had given the others to read.

It was a trial balloon. Mr. Willard was trying it out as a possible way of compromising with Congressional objections to his great work in the cen-

sorship field: the order issued by President Reagan last March 11 to make all officials who deal with especially sensitive information subject to lifetime censorship of their writings and speeches on national security subjects.

The Reagan order aroused widespread opposition because of its sweeping nature. It would cover 127,500 persons now, and that number would rapidly grow as employees left and were replaced by others.

Last November Congress blocked enforcement of the Reagan order until April 15, to allow further study. At that point no high official had actually signed the new form promising to submit to censorship for the rest of his life, and many were grumbling about it.

The White House may be cooling on the mass censorship idea by now. Its main supporter, William Clark, is no longer national security adviser. Fred Fielding, the White House counsel, and James A. Baker 3d, the chief of staff, are reportedly unenthusiastic about it.

Under the circumstances, it is not surprising that Mr. Willard is talking about compromise. He told The Los Angeles Times last week, "It is always better to operate by consensus than by confrontation." But once secrecy plans become subject to the regular process of lawmaking in Congress, instead of being imposed by Presidential fiat, they are not likely to slip through so easily.

Leaks offend the tidy mind, but they happen to be the way business has been conducted in Washington for generations. That is why American law has until now only punished disclosure of particularly dangerous information — codes, for example. Few people are as obsessive about leaks as Richard Willard. Most in Washington understand that the outspoken American way of doing things has been quite effective for nearly 200 years.

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